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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RECEIVED  
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RA's Office

TENNESSEE ENVIRONMENTAL  
COUNCIL and REDISCOVER EAST,

Plaintiffs,

v.

PSC METALS, INC.,

Defendant.

Civil Action No. 3:13-cv-00301

Judge Campbell

Magistrate Judge Bryant

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**AMENDED COMPLAINT**

Plaintiffs Tennessee Environmental Council, Inc., and Rediscover East!, by and through counsel, allege as follows:

**NATURE OF THE CASE**

1. This is a citizen's suit, brought pursuant to the provisions of Section 505(a)(1) of the federal Clean Water Act (hereinafter "CWA"), as amended, 33 U.S.C. § 1365(a)(1), to address violations of the CWA by Defendant PSC Metals, Inc. ("PSC"), arising out of illegal discharges of pollutants from PSC's scrap metal recycling facility located in Nashville, Davidson County, Tennessee ("PSC facility"). Specifically, PSC has discharged, and continues to discharge, stormwater contaminated with industrial waste and/or process water from its Nashville facility into the Cumberland River via storm drains without a permit authorizing such discharges in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a). Furthermore, these discharges violate the express terms and conditions of the National Pollutant Discharge Elimination System Permit ("NPDES") issued for PSC's facility pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. Plaintiffs seek a declaratory judgment, injunctive relief, the imposition

of civil penalties, and the award of costs, including attorney and expert witness fees, for Defendant PSC's repeated and ongoing violations of the CWA, and further seek to compel compliance with PSC's NPDES Permit and the CWA.

### **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over the CWA claims set forth in this Complaint pursuant to Section 505(a) of the CWA, 33 U.S.C. § 1365(a), and 28 U.S.C. § 1331.

3. Plaintiffs have complied with the pre-suit notice provisions of the CWA. Pursuant to Section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), Plaintiffs, on January 31, 2013, mailed a notice of intent to file suit under the CWA to address the violations at the PSC facility to Defendant PSC, the Administrator of the U.S. Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Director of the Tennessee Department of Environment and Conservation ("TDEC"), and the United States Attorney General ("January Notice") (Attached hereto as Exhibit "A" and incorporated by reference herein). The January Notice complied with 33 U.S.C. § 1365(b)(1)(A) and with 40 C.F.R. Part 135, Subpart A. More than 60 days have passed since the January Notice was served on Defendant PSC and these agencies. On February 28, 2013, Plaintiffs served an Addendum to the January Notice to the same entities, detailing additional violations of the CWA by Defendant PSC ("Addendum") (Attached hereto as Exhibit "C" and incorporated by reference herein). This Addendum complied with 33 U.S.C. § 1365(b)(1)(A) and with 40 C.F.R. Part 135, Subpart A. More than 60 days have passed since the Addendum was served on Defendant PSC and these agencies.

4. Neither EPA nor TDEC has commenced, nor are they diligently prosecuting, a civil or criminal action in a court of the United States to redress the violations of the CWA by PSC.

5. Neither EPA nor TDEC has commenced, nor are they diligently prosecuting, an administrative penalty action under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), or under a comparable Tennessee law, to redress the violations of the CWA by PSC.

6. Plaintiffs will, pursuant to Section 505(c)(3) of the CWA, 33 U.S.C. § 1365(c)(3), upon receipt of a file stamped copy of this Amended Complaint, mail a copy of this Amended Complaint to the Administrator of the Environmental Protection Agency, the Attorney General of the United States, and the Regional Administrator of the EPA Region in which the violations are alleged to have occurred.

7. Venue is appropriate in the Middle District of Tennessee, pursuant to Section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1), because the source of the violations is located within this judicial district.

#### **PARTIES**

8. Plaintiff Tennessee Environmental Council, Inc. (the "Council"), is a nonprofit corporation organized under the laws of Tennessee with its principal office in Nashville, Tennessee. The Council was organized in or about 1970 to, amongst other ends, provide an effective and continuing coordinating structure in working for the conservation, preservation, and/or wise use and appreciation of Tennessee's natural resources, as related to the total environment. The Council has members who live, work, and/or recreate downstream of the PSC facility and the facility's discharge, including members who have recreational and aesthetic interests in the Cumberland River downstream from the PSC facility and its discharge. Members of the Council have been, and will continue to be, directly and substantially injured in their use and enjoyment of their property and/or in their recreational and aesthetic enjoyment of the Cumberland River as a direct result of PSC's violations of the CWA. The relief sought in this

case would provide redress for these injuries. Additionally, because these injuries are being caused by pollution of waters of the United States, the injuries fall within the zone of interests protected by the CWA.

9. Plaintiff the Council is a “citizen” within the meaning of 33 U.S.C. §§ 1365(g) and 1365(a).

10. Plaintiff Rediscover East! (“RE”) is a nonprofit corporation organized under the laws of Tennessee with its principal office in Nashville, Tennessee. RE was organized in or about 2000 for the purpose of preserving the authentic character of East Nashville and enhancing the quality of life for all of its citizens. RE has members who live, work, and/or recreate downstream of the PSC facility and the facility’s discharge, including members who have recreational and aesthetic interests in the Cumberland River downstream from the PSC facility and its discharge. Members of RE have been, and will continue to be, directly and substantially injured in their use and enjoyment of their property and/or in their recreational and aesthetic enjoyment of the Cumberland River as a direct result of PSC’s violations of the CWA. The relief sought in this case would provide redress for these injuries. Additionally, because these injuries are being caused by pollution of waters of the United States, the injuries fall within the zone of interests protected by the CWA.

11. Plaintiff RE is a “citizen” within the meaning of 33 U.S.C. §§ 1365(g) and 1365(a).

12. Defendant PSC Metals, Inc. is a for profit corporation organized under the laws of the State of Ohio with its principal office located at 5875 Landerbrook Drive, Suite 200, Mayfield Heights, Ohio, 44124-4069. PSC operates a scrap metal recycling facility located at 710 South First Street in Nashville, Tennessee (“PSC facility”). The registered agent for service

of process in Tennessee is Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee, 37203-1312.

13. Defendant PSC is a “person” within the meaning of 33 U.S.C. §§ 1362(5) and 1365(a)(1).

#### **STATUTORY BACKGROUND**

14. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants from a point source into waters of the United States unless the discharge is in compliance with various enumerated sections of the CWA. Among other things, Section 301(a) prohibits such discharges not authorized by, or in violation of the terms of, a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

15. The State of Tennessee has been delegated the authority to implement the permitting programs of the Act by EPA, including the NPDES permit program, pursuant to 33 U.S.C. § 1342(b). TDEC is the water pollution control agency for purposes of the Act, and has drafted regulations pursuant to that authority implementing the Act’s permitting programs within the State of Tennessee. *See* Tenn. Code Ann. § 69-3-105(h)(1).

16. A violation of an NPDES permit issued by TDEC is a violation of the Tennessee Water Quality Control Act of 1977 (“TWQCA”), Tenn. Code Ann. §§ 69-3-101, *et seq.*, TDEC rules, including Chapter 1200-4-5, and the federal Clean Water Act.

17. A citizen suit, pursuant to 33 U.S.C. § 1365(a)(1), may be brought for violations of the terms and conditions of NPDES permits, as well as for discharges of pollutants from a facility into waters of the United States without a valid NPDES permit. 33 U.S.C. § 1365(f).

## GENERAL ALLEGATIONS

18. At all times relevant hereto, Defendant PSC has operated a scrap metal recycling facility at 710 South First Street in Nashville, Tennessee. The PSC facility is approximately 52 acres in size, and is covered under the NPDES Tennessee Storm Water Multi-Sector General Permit for Industrial Activities ("TMSP"), Permit No. TNR050000, and is registered under tracking number TNR051488 ("NPDES Permit"), which authorizes PSC to discharge stormwater associated with industrial activity to the Cumberland River so long as such discharges are in compliance with the NPDES Permit.

19. As a scrap recycling facility, PSC has a Standard Industrial Classification ("SIC") Code of 5093 and thus is also subject to the requirements of Sectors N and P of the TMSP.

20. Part 3.1.1. of PSC's NPDES Permit provides that "[A]ll discharges covered by this Permit shall be composed entirely of stormwater, and Part 3.1.2. requires that "[D]ischarges of material other than stormwater must be in compliance with an NPDES Permit (other than this Permit) issued for the discharge."

21. Part 4.5.1. of PSC's NPDES Permit requires that PSC must "comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate sewer storm sewer system (MS4) that receives the facility's discharge ...." The Metropolitan Government of Nashville & Davidson County ("Nashville") has developed a municipal storm water management program which applies to the PSC facility.

22. Part 7.1 of the NPDES Permit requires PSC to comply with all conditions of the Permit, and provides that "[A]ny permit noncompliance constitutes a violation of the Clean Water Act and/or the Tennessee Water Quality Control Act," and Part 7.1.2 requires that PSC

“conduct its storm water treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.”

23. Operations and processes at the PSC facility related to scrap metal recycling result in the generation of process water and/or industrial waste which includes, amongst other constituents, copper, lead, iron, aluminum, zinc, cadmium, and oil and grease. These constituents, and such process water and/or industrial waste, are pollutants within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

24. The Cumberland River is waters of the State of Tennessee, and “waters of the United States,” as that term is used in the CWA and as it has been interpreted by the federal courts.

25. Nashville has adopted a Stormwater Management Ordinance which governs PSC’s discharges into the Nashville municipal separate storm sewer system (“MS4”). Nashville, TN., Metro Code of Laws, Title 15, Chapter 15.64.

26. In or about late 2010, Nashville, pursuant to its MS4 Permit, designated Defendant PSC as a “substantial loader” due to the fact that PSC was found to be discharging significant amounts of stormwater pollution to the Nashville MS4.

27. On September 2, 2010, and October 27, 2011, PSC was issued Notices of Violation (“NOVs”) by Nashville Metro Water Services for discharging stormwater contaminated with process water and/or industrial waste to the Nashville MS4 and the Cumberland River. *See* Exhibit “B” attached hereto and incorporated by reference herein.

28. An EPA investigation into illegal stormwater discharges by Defendant PSC in or about late 2011 concluded, in pertinent part:

PSC Metals ... [has] a consistent history of polluting the Cumberland River via illicit discharges of process water mixing with stormwater. [PSC] has conveyed

on one hand a willingness to implement corrective actions to prevent the pollutants from entering the river but on the other hand disregarded their own BMP's and illegally discharged pollutants into the Cumberland River. After consultation ...it is the opinion of EPA CID that PSC Metals represents a clear and present health and safety risk to the environment.... It is therefore recommended that prosecution for violations of the Clean Water Act commence against PSC Metals, Inc....

29. As set forth in the January Notice attached hereto as Exhibit "A" and incorporated by reference herein, as well as the Addendum attached hereto as Exhibit "C" and incorporated by reference herein, PSC has discharged stormwater contaminated with process water and/or industrial waste from conduits, ditches, and other discrete conveyances at its Nashville facility through storm drains into the Cumberland River, without an NPDES Permit authorizing said discharges, and in violation of PSC's NPDES Permit, on at least the following occasions:

- a. September 2, 2010;
- b. November 30, 2010;
- c. October 27, 2011;
- d. September 17, 2012; and
- e. February 19, 2013.

30. The violations set forth in the January Notice attached hereto as Exhibit "A," and the Addendum attached hereto as Exhibit "C," and incorporated by reference herein, relating to illegal discharges of pollutants by PSC are continuing and ongoing, or are likely to recur, as of the date this Complaint is being filed.

**COUNT 1: DISCHARGE OF POLLUTANTS TO SURFACE WATERS WITHOUT AN  
NPDES PERMIT IN VIOLATION OF THE CLEAN WATER ACT**

31. Paragraphs 1-30 of this Complaint are hereby realleged and incorporated by reference herein.



32. Defendant PSC's discharges of stormwater contaminated with industrial waste and/or process water from conduits, ditches, and other discrete conveyances at its Nashville facility through storm drains into the Cumberland River constitute the discharge of pollutants from a point source requiring an NPDES permit authorizing such discharges.

33. On at least the occasions listed in Paragraph 29, the January Notice, and the Addendum, Defendant PSC has violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a), by discharging stormwater contaminated with industrial waste and/or process water into the Cumberland River without an NPDES permit authorizing said discharges.

34. Defendant PSC should be subject to an enforcement order or injunction ordering PSC to cease its discharges of pollutants without an NPDES permit authorizing said discharges.

35. Defendant PSC should be subject to the assessment of civil penalties for these violations of the CWA pursuant to Sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365.

36. For the purpose of assessing the maximum penalty which Defendant PSC is liable, each day that PSC has discharged pollutants without a permit authorizing such discharges constitutes a separate violation of Section 301(a) of the CWA, pursuant to Section 309(d), 33 U.S.C. § 1319(d), for each day on which it has occurred or will occur after the filing of this Complaint.

**COUNT 2: VIOLATION OF THE TERMS AND CONDITIONS OF NPDES PERMIT  
NO. TNR050000 AND TNR 051488 IN VIOLATION OF THE CLEAN WATER ACT**

37. Paragraphs 1-36 of this Complaint are hereby realleged and incorporated by reference herein.

38. On at least the occasions listed in Paragraph 29, the January Notice, and the Addendum, Defendant PSC has violated Sections 301(a) and 402 of the CWA, 33 U.S.C. §§

1311(a) and 1342, as well as Tennessee statutes and rules implementing the CWA, by discharging process waste and/or industrial waste in violation of Parts 3.1.1. and 3.1.2. of the NPDES Permit.

39. On at least the occasions listed in Paragraph 29, the January Notice, and the Addendum, Defendant PSC has violated Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, as well as Tennessee statutes and rules implementing the CWA, by failing to comply with the requirements of Nashville's Stormwater Management Ordinance in violation of Part 4.5.1 of the NPDES Permit.

40. Defendant PSC should be subject to an enforcement order or injunction ordering PSC to cease its violations of NPDES Permit No. TNR050000 and TNR051488.

41. Defendant PSC should be subject to the assessment of civil penalties for these permit violations pursuant to Sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365.

42. For the purpose of assessing the maximum penalty which Defendant PSC is liable, each day that PSC has violated the terms and conditions of its NPDES Permit constitutes a separate violation of Section 301(a) of the CWA, pursuant to Section 309(d), 33 U.S.C. § 1319(d), for each day on which it has occurred or will occur after the filing of this Complaint.

#### **RELIEF REQUESTED**

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief:

- a. Enter a declaratory judgment that Defendant PSC has violated and is in violation of the CWA, 33 U.S.C. §§ 1311(a) and 1342;

- b. Order or Enjoin Defendant PSC to cease the discharge of pollutants from point sources into water of the United States without an NPDES Permit authorizing such discharges;
- c. Order Defendant PSC to comply with all terms and conditions of coverage under its NPDES Permit;
- d. Order Defendant PSC to take such steps as are necessary and proper to remedy the harm caused by its violations of the CWA;
- e. Order Defendant PSC to pay civil penalties of up to thirty-seven thousand five hundred dollars (\$37,500) per day for each violation of the CWA set out in this Complaint pursuant to Sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365;
- f. Award Plaintiffs their costs of litigation, including reasonable attorney and expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and
- g. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted, this the 30<sup>th</sup> day of April, 2013.

/s/James S. Whitlock  
Gary A. Davis (BPR No. 009766)  
James S. Whitlock (N.C. Bar No. 34304)  
*Admitted Pro Hac Vice*  
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(615) 255-2555  
MJameson@nprjlaw.com

Kelly Poole (BPR No. 31390)  
*Admission Requested per LR 83.01*  
TENNESSEE ENVIRONMENTAL COUNCIL  
One Vantage Way, Suite E-250  
Nashville, TN 37228  
(615) 248-6500  
kfpoole@tectn.org

***Attorneys for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2013, a copy of the foregoing **AMENDED COMPLAINT** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/James S. Whitlock  
Attorney

Michael K. Stagg  
Lauran M. Sturm  
WALLER, LANSDEN, DORCH & DAVIS, LLP  
511 Union Street, Suite 2700  
Nashville, TN 37219  
(615) 244-6380

*Attorneys for Defendant PSC Metals, Inc.*

**DAVIS & WHITLOCK, P.C.  
ATTORNEYS AT LAW**

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January 31, 2013

KINGSTON, TENNESSEE OFFICE  
100 E. RACE STREET  
KINGSTON, TN 37703  
TELEPHONE 888-676-6769  
FACSIMILE 888-776-6880

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Kevin Berta  
Plant Manager  
PSC Metals, Inc.  
710 South First Street  
Nashville, TN 37213

Corporation Service Company  
Registered Agent  
PSC Metals, Inc.  
2908 Poston Avenue  
Nashville, TN 37203-1312

Steve Forystek  
PSC Metals, Inc.  
Director, HSET  
5875 Landerbrook Drive, Ste. 200  
Mayfield Heights, OH 44124

Ms. Gwendolyn Keyes Fleming  
Regional Administrator  
US EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Dr. Sandra Dudley, Director, Ph. D. PE  
6<sup>th</sup> Floor, L&C Annex  
401 Church Street  
Nashville, TN 37243-1534

Robert Martineau, Commissioner  
Tennessee Dept. of Environment  
and Conservation  
1<sup>st</sup> Floor, L&C Annex  
401 Church Street  
Nashville, TN 37243-0435

Ms. Lisa P. Jackson, Administrator  
US Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Re: Notice of Intent to File Citizen Suit Pursuant to the Federal Clean Water Act**

Ladies and Gentlemen:

The purpose of this letter is to notify PSC Metals, Inc. ("PSC"), owning and operating a scrap metal recycling facility located at 710 South First Street, Nashville, Tennessee, 37213, that the Tennessee Environmental Council (the "Council"), whose address is One Vantage Way, Suite B-250, Nashville, Tennessee, 37228, and telephone number is (615) 248-6500, along with Rediscover East ("RE"), whose address is P.O. Box 68069, Nashville, Tennessee, 37206, and

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telephone number is (615) 226-8118, intend to file suit in sixty (60) days under 33 U.S.C. § 1365(a)(1) of the federal Clean Water Act ("CWA") in Federal District Court against PSC for violations of the CWA arising out of illegal discharges of pollutants from PSC's Nashville facility. Specifically, the Council and RE intend to file suit for illegal discharges of stormwater contaminated with industrial waste and/or process water, which are not only unpermitted discharges but furthermore violate the express conditions of the National Pollutant Discharge Elimination System ("NPDES") Permit issued for the PSC facility.

PSC is covered under the NPDES Tennessee Storm Water Multi-Sector General Permit for Industrial Activities, Permit No. TNR050000, and is registered under Tracking No. TNR051488 ("NPDES Permit"). Pursuant to this NPDES Permit, PSC is authorized to discharge stormwater from its Nashville facility to the Cumberland River. Part 7.1 of the General NPDES Permit requires PSC to comply with all conditions of the Permit, and provides that "[A]ny permit noncompliance constitutes a violation of the Clean Water Act ...." Pertaining to discharges, Part 3.1.1 of the NPDES Permit provides that "[A]ll discharges covered by this permit must be composed entirely of storm water." Part 3.1.2 of the NPDES Permit requires that "[D]ischarges of material other than storm water must be in compliance with an NPDES Permit (other than this permit) issued for the discharge."

## VIOLATIONS OF THE CLEAN WATER ACT

### 1. Discharging Pollutants to Surface Waters Without an NPDES Permit

On at least the following occasions, PSC has violated the Clean Water Act, 33 U.S.C. § 1311(a), by discharging pollutants from conduits, ditches, and/or other discrete conveyances located at its Nashville facility through storm drains into the Cumberland River, which constitutes waters of the State of Tennessee and the United States, without an NPDES Permit for the discharges pursuant to 33 U.S.C. § 1342. The requirement for an NPDES permit authorizing these discharges arose at the time that PSC first knew or should have known that pollutants were being discharged into surface waters. Each day since that time is a violation of the CWA.

- September 2, 2010: Discharge of stormwater contaminated with industrial waste and/or process water from the PSC facility through a storm drain on Crutcher Street into the Cumberland River.<sup>1</sup> Sampling conducted on this date indicated that this discharge had elevated levels of pollutants, including total suspended solids, copper, lead, iron and zinc.
- November 30, 2010: Discharge of stormwater contaminated with industrial waste and/or process water from a concrete swale on PSC property that parallels Crutcher Street through a storm drain into the Cumberland River.

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<sup>1</sup> PSC was issued a Notice of Violation by Nashville Metro Water Services for this "illicit discharge."

- October 27, 2011: Discharge of stormwater contaminated with industrial waste and/or process water from the PSC facility through a storm drain on Crutcher Street into the Cumberland River.<sup>2</sup> Sampling conducted on this date indicated that this discharge had elevated levels of pollutants, including total suspended solids, copper, lead, iron, aluminum, cadmium, and oil and grease.
- September 20, 2012: Sampling of discharge of stormwater from the PSC facility to a storm drain at Davidson Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.
- September 20, 2012: Sampling of discharge of stormwater from the PSC facility to a storm drain at Crutcher Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.

**2. Violations of NPDES Permit No. TNR050000 and TNR051488**

As referenced hereinabove, PSC is covered under NPDES General Permit No. TNR050000, and is registered under Tracking No. TNR051488. On at least the following occasions, PSC has violated Parts 3.1.1 and 3.1.2 of the NPDES Permit, and Part 7.1 of the Permit, by discharging industrial waste and/or process water without an NPDES permit issued for the discharges, as discussed above. Moreover, on the occasions noted, PSC has violated Section 4.5.1 of the NPDES Permit, which requires PSC to comply with all requirements of Nashville's storm water management program.

- September 2, 2010: Discharge of stormwater contaminated with industrial waste and/or process water and sediment from the PSC facility through a storm drain on Crutcher Street into the Cumberland River.<sup>3</sup> Sampling conducted on this date indicated that this discharge had elevated levels of pollutants, including total suspended solids, copper, lead, iron and zinc.
- November 30, 2010: Discharge of stormwater contaminated with industrial waste and/or process water from a concrete swale on PSC property that parallels Crutcher Street through a storm drain into the Cumberland River.
- October 27, 2011: Discharge of stormwater contaminated with industrial waste and/or process water from the PSC facility through a storm drain on Crutcher

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<sup>2</sup> PSC was issued a Notice of Violation by Nashville Metro Water Services for this "illicit discharge."

<sup>3</sup> PSC was issued a Notice of Violation by Nashville Metro Water Services for this "illicit discharge." This discharge thus also constitutes a violation of Section 4.5.1 of the General NPDES Permit, which requires that PCS comply with all applicable requirements of Nashville's storm water management program.



Street into the Cumberland River.<sup>4</sup> Sampling conducted on this date indicated that this discharge had elevated levels of pollutants, including total suspended solids, copper, lead, iron, aluminum, cadmium, and oil and grease.

- September 20, 2012: Sampling of discharge of stormwater from the PSC facility to a storm drain at Davidson Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.
- September 20, 2012: Sampling of discharge of stormwater from the PSC facility to a storm drain at Crutcher Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.

Thank you for your prompt attention to the ongoing, serious violations of state and federal law and permitting requirements. Please be advised that the Council and RE, at the expiration of sixty (60) days from the date of this letter, intend to file a citizen suit against PSC under Section 505(a) of the CWA for the violations set forth above. In addition to the violations explicitly set forth herein, this Notice covers all CWA violations of the same type evidenced by information which becomes available after the date of this Notice. Pursuant to the CWA, we will seek civil penalties for the violations of up to \$37,500 per day, an injunction against continued violations, as well as attorney's fees and costs.

Any and all communication related to this matter should be directed to Gary A. Davis and James S. Whitlock, attorneys for the Council and RE, at the address and telephone number listed at the top of this letter.

Respectfully,



James S. Whitlock

JSW/pf

cc: Eric H. Holder, Jr.  
U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001

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<sup>4</sup> PSC was issued a Notice of Violation by Nashville Metro Water Services for this "illicit discharge." This discharge thus also constitutes a violation of Section 4.5.1 of the General NPDES Permit, which requires that PCS comply with all applicable requirements of Nashville's storm water management program.

Metro Water Services  
Stormwater NPDES Program  
www.nashville.gov/stormwater  
1607 County Hospital Road  
Nashville, TN 37218  
(615) 880-2420 (Phone)  
(615) 880-2425 (Fax)

METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY  
OFFICIAL



NOTICE OF VIOLATION

No. To be Determined 252958

Name/Location: PSC Metals (Facility @ Crutcher & S. 3<sup>rd</sup> St.) Map to be entered later Parcel 09307004500 46  
has been found to be in violation of the Metropolitan Code of Laws, Stormwater Management Act, Section(s):

☐ 15.64.020 ☐ 15.64.120 ☐ 15.64.140 ☒ 15.64.205 ☐ Other

and the regulations established in the Metropolitan Stormwater Management Manual, Volume I, Section(s):

☐ 2.7 ☐ 3.3 ☐ 3.9 ☐ 4.3.6 ☐ 6.9 ☐ Other (see back of form for descriptions of ordinances and regulations)

Description of violation(s): ☐ Illicit Discharge ☐ Grading/Filling without Permit ☐ Inadequate Erosion/Sediment Controls

☐ Buffer Disturbance ☐ Improperly Functioning Stormwater Quality and/or Quantity Structure ☐ Failure to Follow Approved Plans

☐ Working Under Expired or Revoked Permit ☐ Occupying Property without Stormwater Approval ☒ Other illicit discharge

of metal mill wash water and dirty lot runoff to MS4.

Civil Penalty Amount (assessed to the responsible party named below):

PENALTY 0 This amount must be made payable to the Metropolitan Government of Nashville and Davidson County and remitted to the Stormwater NPDES office (address above) by      /      /     

Stop Work Order: ☐ If checked, you are hereby ORDERED to STOP ALL WORK on this project until the violation(s) is/are remedied, and remediation is approved by the Stormwater Department.

Work or remediation ordered to comply with Metro Codes:

☒ Stop Illicit Discharge Immediately. do not wash until BMP's are effectively installed.

☐ Submit As-built Certification to the Stormwater Plan Review Office by      /      /     

☐ Remediate/Remove Discharged Material or Sediment from street/catch basin/buffer/drainage way/etc. by      /      /     

☐ Submit plans for buffer restoration to Stormwater NPDES Office by      /      /     

☐ Install or Repair Erosion Controls by      /      /     

☐ Submit a complete Grading Permit Application to the Stormwater Plans Review Office by      /      /     

☐ Schedule hearing with Stormwater Management Committee by      /      /     

☐ Build or repair stormwater infrastructure to specifications shown on plans by      /      /     

☐ Repair and Maintain Stormwater Quality and/or Quantity Structures by      /      /     

☒ Other Submit compliance schedule to NPDES office by 9/2/10 with detailed plans for appropriately engineered Best Management Practice to remove pollutants (oil, grease, silt, fines) from runoff water.

Name: Lina Thomas is hereby served with this Notice of Violation

on 9/2/10 and ordered to correct the violation(s) &/or stop work until the Stormwater Department approves the continuance of work. Illicit Discharges Must Stop Immediately. Continued non-compliance may result in additional civil penalties and/or legal action. You have the right to appeal this decision within 10 days. Appeal information is located on the back of this Notice under 3.7 Enforcement.

Notification received by: left on desk of Lina Thomas & verbal communication 9/2/10

This order served by: Lena Eichsen Date and Time 9/2/10 at 10:00 am

Original - Owner/Developer/Responsible Party Yellow - Stormwater Pink - On Site Representative, if Available  
Copies of this Notice of Violation will also be forwarded to the Metro Legal Department and the Tennessee Department of Environment and Conservation.

Metro Water Services  
Stormwater NPDES Program  
www.nashville.gov/stormwater  
1607 County Hospital Road  
Nashville, TN 37218  
(615) 880-2420 (Phone)  
(615) 880-2425 (Fax)

METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY

OFFICIAL

NOTICE OF VIOLATION

City Works/Grading Permit No. ISW#132\_01



Name/Location: PSC Metals (3<sup>rd</sup> and Crutcher) Stamp: 09307004500

has been found to be in violation of the Metropolitan Code of Laws, Stormwater Management Act, Section(s):

☐ 15.64.020 ☐ 15.64.120 ☐ 15.64.140 ☒ 15.64.205 ☐ Other

and the regulations established in the Metropolitan Stormwater Management Manual, Volume I, Section(s):

☐ 2.7 ☐ 3.3 ☐ 3.9 ☐ 4.3.6 ☐ 6.9 ☐ Other (see back of form for descriptions of ordinances and regulations)

Description of violation(s): ☒ Illicit Discharge ☐ Grading/Filling without Permit ☐ Inadequate Erosion/Sediment Controls  
☐ Buffer Disturbance ☐ Improperly Functioning Stormwater Quality and/or Quantity Structure ☐ Failure to Follow Approved Plans  
☐ Working Under Expired or Revoked Permit ☐ Occupying Property without Stormwater Approval ☐ Other Stormwater contaminated with exposed industrial material discharged to the MS4. Storm grate cover on the inlet that receives process water runoff from dust control wetting procedures was removed during a rain event. As a result, a distinct opaque discharge comprised of stormwater and processed water occurred to the MS4. Grab samples were taken and analytical levels indicated presence of numerous pollutants. (See Attached Addendum)

Civil Penalty Amount (assessed to the responsible party named below):

PENALTY \$500. This amount must be made payable to the Metropolitan Government of Nashville and Davidson County and remitted to the Stormwater NPDES office (address above) by 12/28/11.

Stop Work Order: ☐ If checked, you are hereby ORDERED to STOP ALL WORK on this project until the violation(s) is/are remedied, and remediation is approved by the Stormwater Department.

Work or remediation ordered to comply with Metro Code:

☒ Stop Illicit Discharge Immediately.

☐ Submit As-built Certification to the Stormwater Plan Review Office by     /    /    .

☐ Remediate/Remove Discharged Material or Sediment from street/catch basin/buffer/drainageway/etc. by     /    /    .

☐ Submit plans for buffer restoration to Stormwater NPDES Office by     /    /    .

☐ Install or Repair Erosion Controls by     /    /    .

☐ Submit a complete Grading Permit Application to the Stormwater Plans Review Office by     /    /    .

☐ Schedule hearing with Stormwater Management Committee by     /    /    .

☐ Build or repair stormwater infrastructure to specifications shown on plans by     /    /    .

☐ Repair and Maintain Stormwater Quality and/or Quantity Structures by     /    /    .

☒ Other: Controls should be installed that prevent contaminated stormwater runoff from your facility to our MS4. We are aware that the facility is pursuing permanent site changes to install stormwater treatment systems. Understanding that permanent structural treatment systems take time to install, the facility shall institute temporary measures that prevent contaminated stormwater runoff.

Name: PSC (Attn: Lynn Thomas) is hereby served with this Notice of Violation on 11/28/11 and ordered to correct the violation(s) &/or stop work until the Stormwater Department approves the continuance of work.

Illicit Discharges Must Stop Immediately. Continued non-compliance may result in additional civil penalties and/or legal action. You have the right to appeal this decision within 10 days. Appeal information is located on the back of this Notice under 3.7 Enforcement.

Notification received by: Certified Mail 7007 2560 0001 2549 1694

This order served by: Josh Hayes Date and Time 11/28/11 at 2:07 am/pm

Metro Water Services  
Stormwater NPDES Program  
www.nashville.gov/stormwater  
1607 County Hospital Road  
Nashville, TN 37218  
(615) 880-2420 (Phone)  
(615) 880-2425 (Fax)

METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY

OFFICIAL  
**NOTICE OF VIOLATION**

No. \_\_\_\_\_



**Page 2 - Addendum:**

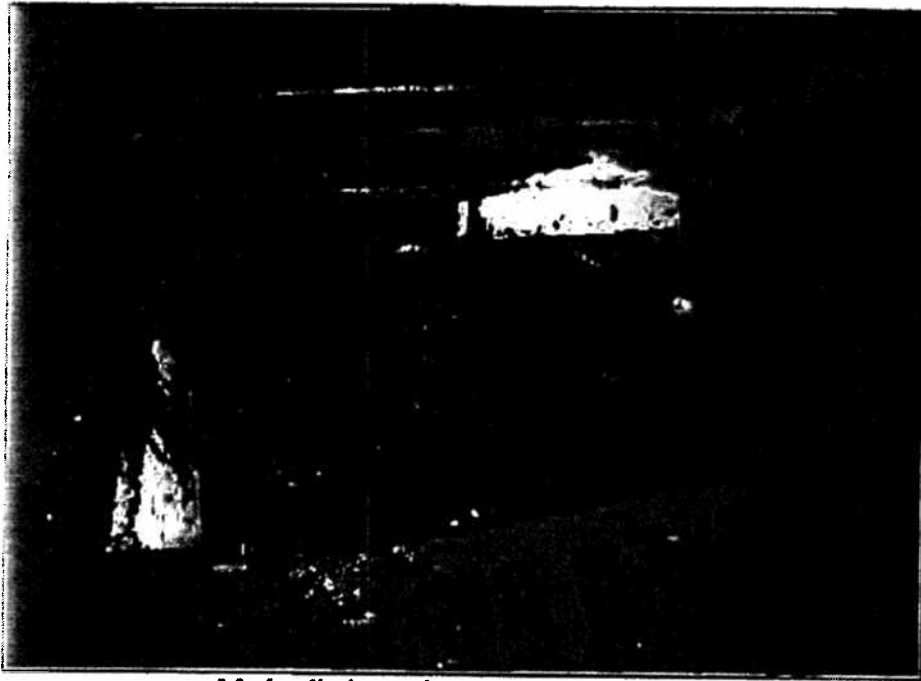
Please note the attached previous correspondence from our office regarding polluted stormwater and process water discharges to Metro's Municipal Separate Storm Sewer System (MS4).

Your facility is permitted through the Tennessee Department of Environment and Conservation (TDEC) Tennessee Multi-Sector Permit (TMSP) for industrial stormwater discharges. The TMSP requires controls to be in place that prevent the contamination of stormwater runoff being discharged from a permitted site with exposed industrial materials. Through Nashville's MS4 permit, Metro is required to monitor and control runoff from certain industrial facilities that route to the MS4.

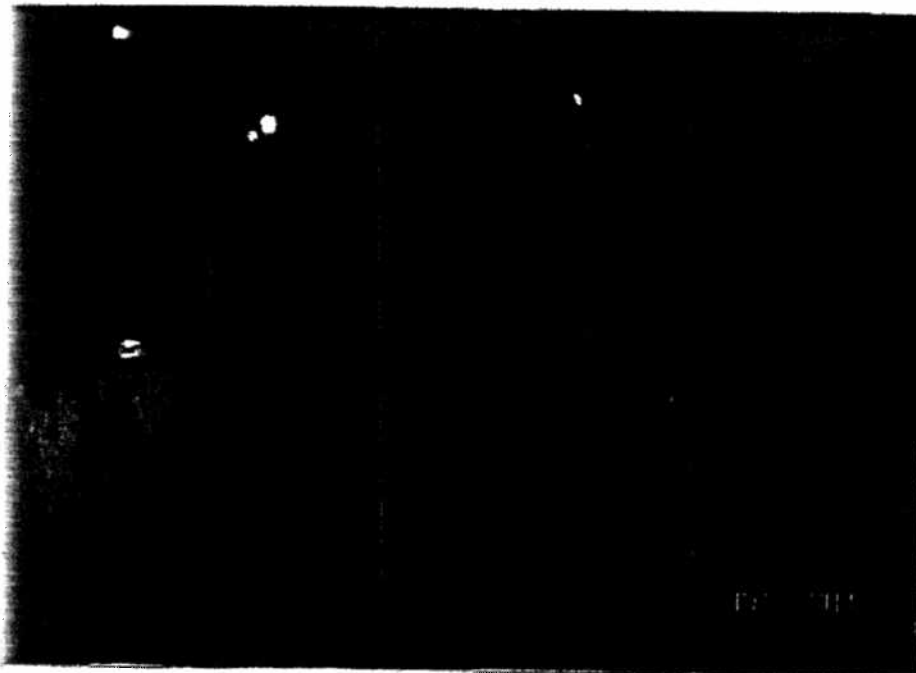
In this case, stormwater runoff from the facility enters the same drain that also receives process water from wetting the scrap piles (dust suppression measures). During previous dry weather inspections a metal plate has been observed over the inlet. On October 27, 2011, staff arrived at the site during the first 10 minutes of a rain event for purposes of sampling runoff from the facility to the MS4. When staff first arrived, there was only a small trickle of water discharging from the facility to the MS4. Within 5 minutes of staff's arrival, the discharge dramatically increased to a gushing of murky water. The water also contained a strong fuel smell and an oily sheen was present. Grab samples were collected from the pipe discharging into the street drain, from the inlet in question. Staff then entered the PSC facility to investigate the sudden influx of murky water to the MS4. Staff witnessed and photographed PSC employees completing the process of removing the metal plate that was previously covering the drain. By removing the drain cover, contaminated stormwater runoff from the area/scrap piles drained into the storm drain (and eventually the MS4) without any filtration/treatment.

Samples were taken to a contracted lab and results were eventually received indicating levels far exceeding TMSP benchmark concentrations for metals, total suspended solids, and chemical oxygen demand.

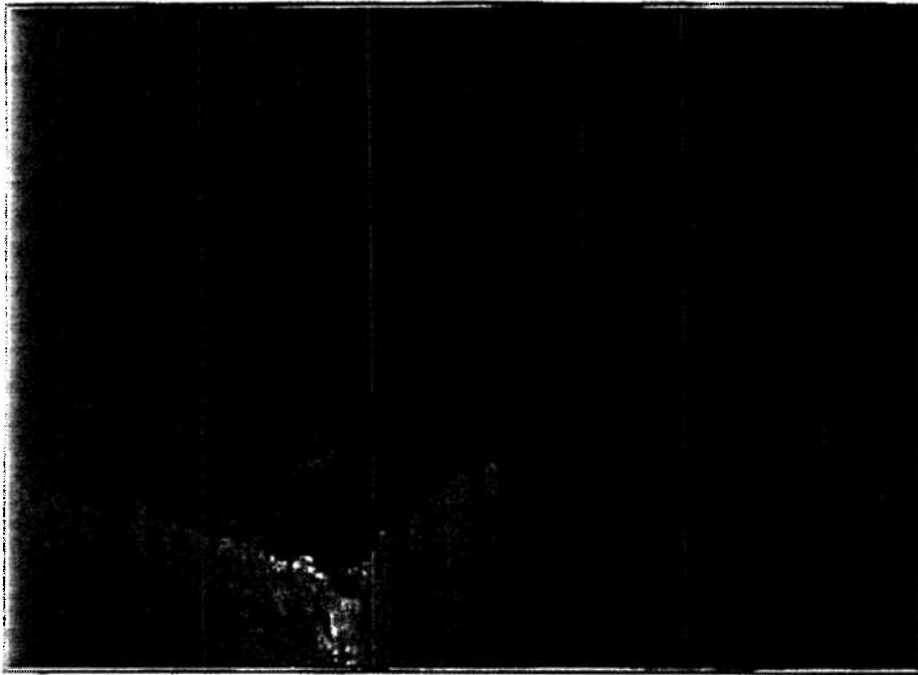
The discharge of stormwater with this level of contamination to the MS4 must cease immediately, to include implementing temporary control measures as required. We recognize and are encouraged by the facility's recent submittal of design plans for the installation of permanent stormwater treatment devices, however, in the interim, controls must be installed that not only prevent process water from discharging to the MS4, but also prevent contaminated stormwater from discharging to the MS4.



**Murky discharge from pipe to MS4 street inlet.**



**PSC employees removing inlet drain cover**



Inlet after plate had been removed. Scrap material piled next to grate. No treatment of stormwater runoff.

**DAVIS & WHITLOCK, P.C.  
ATTORNEYS AT LAW**

61 NORTH ANDREWS AVENUE  
P.O. BOX 648  
HOT SPRINGS, NORTH CAROLINA 28743

TELEPHONE: 828-622-0044 FACSIMILE: 828-622-7610



GARY A. DAVIS  
LICENSED IN NC, TN, CA  
GADAVIS@ENVIROATTORNEY.COM  
JAMES S. WHITLOCK  
LICENSED IN NC  
JWHITLOCK@ENVIROATTORNEY.COM

February 28, 2013

KINGSTON, TENNESSEE OFFICE  
100 E. RACE STREET  
KINGSTON, TN 37763  
TELEPHONE: 865-976-6769  
FACSIMILE: 865-776-6580

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Kevin Berta  
Plant Manager  
PSC Metals, Inc.  
710 South First Street  
Nashville, TN 37213

Corporation Service Company  
Registered Agent  
PSC Metals, Inc.  
2908 Poston Avenue  
Nashville, TN 37203-1312

Steve Forystek  
PSC Metals, Inc.  
Director, HSET  
5875 Landerbrook Drive, Ste. 200  
Mayfield Heights, OH 44124

Ms. Gwendolyn Keyes Fleming  
Regional Administrator  
US EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Dr. Sandra Dudley, Director, Ph. D. PE  
6<sup>th</sup> Floor, L&C Annex  
401 Church Street  
Nashville, TN 37243-1534

Robert Martineau, Commissioner  
Tennessee Dept. of Environment  
and Conservation  
1<sup>st</sup> Floor, L&C Annex  
401 Church Street  
Nashville, TN 37243-0435

Mr. Bob Perciasepe, Acting Administrator  
US Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: **Addendum to Notice of Intent to File Citizen Suit Pursuant to the Federal  
Clean Water Act**

Ladies and Gentlemen:

The purpose of this letter is to notify PSC Metals, Inc. ("PSC"), owning and operating a scrap metal recycling facility located at 710 South First Street, Nashville, Tennessee, 37213, that the Tennessee Environmental Council (the "Council"), whose address is One Vantage Way, Suite B-250, Nashville, Tennessee, 37228, and telephone number is (615) 248-6500, along with

PRINTED ON RECYCLED PAPER

Rediscover East ("RE"), whose address is P.O. Box 68069, Nashville, Tennessee, 37206, and telephone number is (615) 226-8118, intend to file suit in sixty (60) days under 33 U.S.C. § 1365(a)(1) of the federal Clean Water Act ("CWA") in Federal District Court against PSC for additional violations of the CWA which have occurred and/or been discovered since the Council and RE served their Notice of Intent to File Citizen Suit on January 31, 2013. These additional and/or ongoing violations arise out of illegal discharges of pollutants from PSC's Nashville facility. Specifically, the Council and RE intend to file suit for illegal discharges of stormwater contaminated with industrial waste and/or process water, as well as non-stormwater discharges contaminated with industrial waste and/or process water, which are not only unpermitted discharges but furthermore violate the express conditions of the National Pollutant Discharge Elimination System ("NPDES") Permit issued for the PSC facility.

PSC is covered under the NPDES Tennessee Storm Water Multi-Sector General Permit for Industrial Activities, Permit No. TNR050000, and is registered under Tracking No. TNR051488 ("NPDES Permit"). Pursuant to this NPDES Permit, PSC is authorized to discharge stormwater from its Nashville facility to the Cumberland River. Part 7.1 of the General NPDES Permit requires PSC to comply with all conditions of the Permit, and provides that "[A]ny permit noncompliance constitutes a violation of the Clean Water Act ...." Pertaining to discharges, Part 3.1.1 of the NPDES Permit provides that "[A]ll discharges covered by this permit must be composed entirely of storm water." Part 3.1.2 of the NPDES Permit requires that "[D]ischarges of material other than storm water must be in compliance with an NPDES Permit (other than this permit) issued for the discharge."

#### **VIOLETIONS OF THE CLEAN WATER ACT**

##### **1. Discharging Pollutants to Surface Waters Without an NPDES Permit**

On at least the following occasions, PSC has violated the Clean Water Act, 33 U.S.C. § 1311(a), by discharging pollutants from conduits, ditches, and/or other discrete conveyances located at its Nashville facility through storm drains into the Cumberland River, which constitutes waters of the State of Tennessee and the United States, without an NPDES Permit for the discharges pursuant to 33 U.S.C. § 1342. The requirement for an NPDES permit authorizing these discharges arose at the time that PSC first knew or should have known that pollutants were being discharged into surface waters. Each day since that time is a violation of the CWA.

- **September 17, 2012:** Sampling of discharge of stormwater from the PSC facility to a storm drain at Davidson Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.
- **September 17, 2012:** Sampling of discharge of stormwater from the PSC facility to a storm drain at Crutcher Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had



elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.

- February 19, 2013: Sampling of non-stormwater discharge from the PSC facility to a storm drain at Davidson Street demonstrated that the discharge was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, and zinc.

**2. Violations of NPDES Permit No. TNR050000 and TNR051488**

As referenced hereinabove, PSC is covered under NPDES General Permit No. TNR050000, and is registered under Tracking No. TNR051488. On at least the following occasions, PSC has violated Parts 3.1.1 and 3.1.2 of the NPDES Permit, and Part 7.1 of the Permit, by discharging industrial waste and/or process water without an NPDES permit issued for the discharges, as discussed above. Moreover, on the occasions noted, PSC has violated Section 4.5.1 of the NPDES Permit, which requires PSC to comply with all requirements of Nashville's storm water management program.

- September 17, 2012: Sampling of discharge of stormwater from the PSC facility to a storm drain at Davidson Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.
- September 17, 2012: Sampling of discharge of stormwater from the PSC facility to a storm drain at Crutcher Street demonstrated that the storm water was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, lead and zinc.
- February 19, 2013: Sampling of non-stormwater discharge from the PSC facility to a storm drain at Davidson Street demonstrated that the discharge was contaminated with industrial waste and/or process water. The discharge had elevated levels of pollutants, including total suspended solids, aluminum, copper, iron, and zinc.

Thank you for your prompt attention to the ongoing, serious violations of state and federal law and permitting requirements. Please be advised that the Council and RE, at the expiration of sixty (60) days from the date of this letter, intend to file a citizen suit against PSC under Section 505(a) of the CWA for the violations set forth above. In addition to the violations explicitly set forth herein, this Notice covers all CWA violations of the same type evidenced by information which becomes available after the date of this Notice. Pursuant to the CWA, we will seek civil penalties for the violations of up to \$37,500 per day, an injunction against continued violations, as well as attorney's fees and costs.

Any and all communication related to this matter should be directed to Gary A. Davis and James S. Whitlock, attorneys for the Council and RE, at the address and telephone number listed at the top of this letter.

Respectfully,



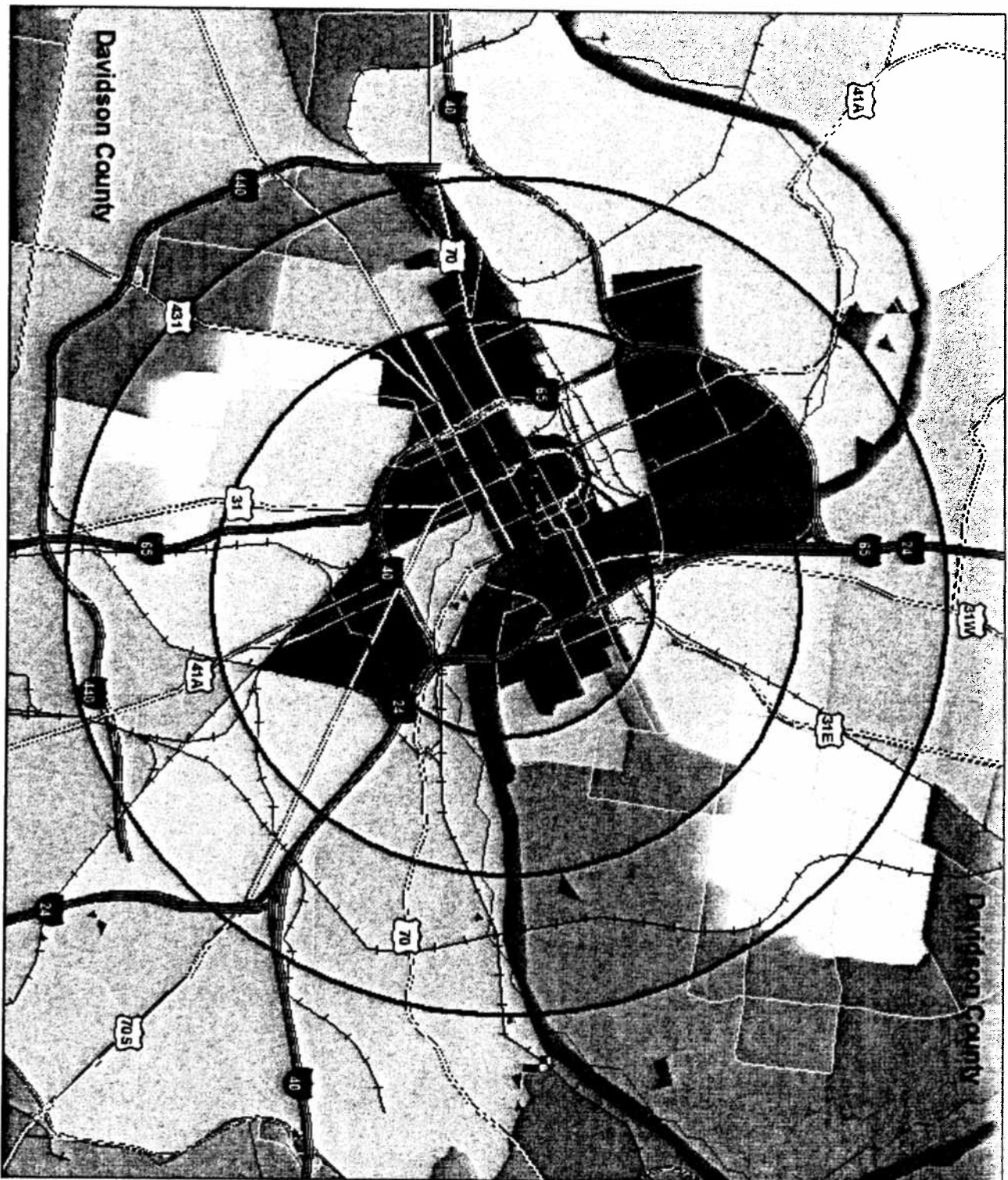
James S. Whitlock

JSW/pf

cc: Eric H. Holder, Jr.  
U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001

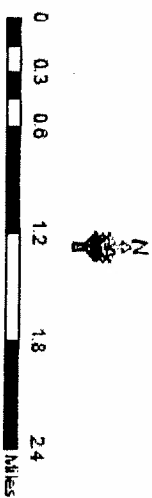
Douglas A. Cohen, Esq. (*Via Email*)

# POTENTIAL EJ AREAS AROUND PSC METALS, TENNESSEE

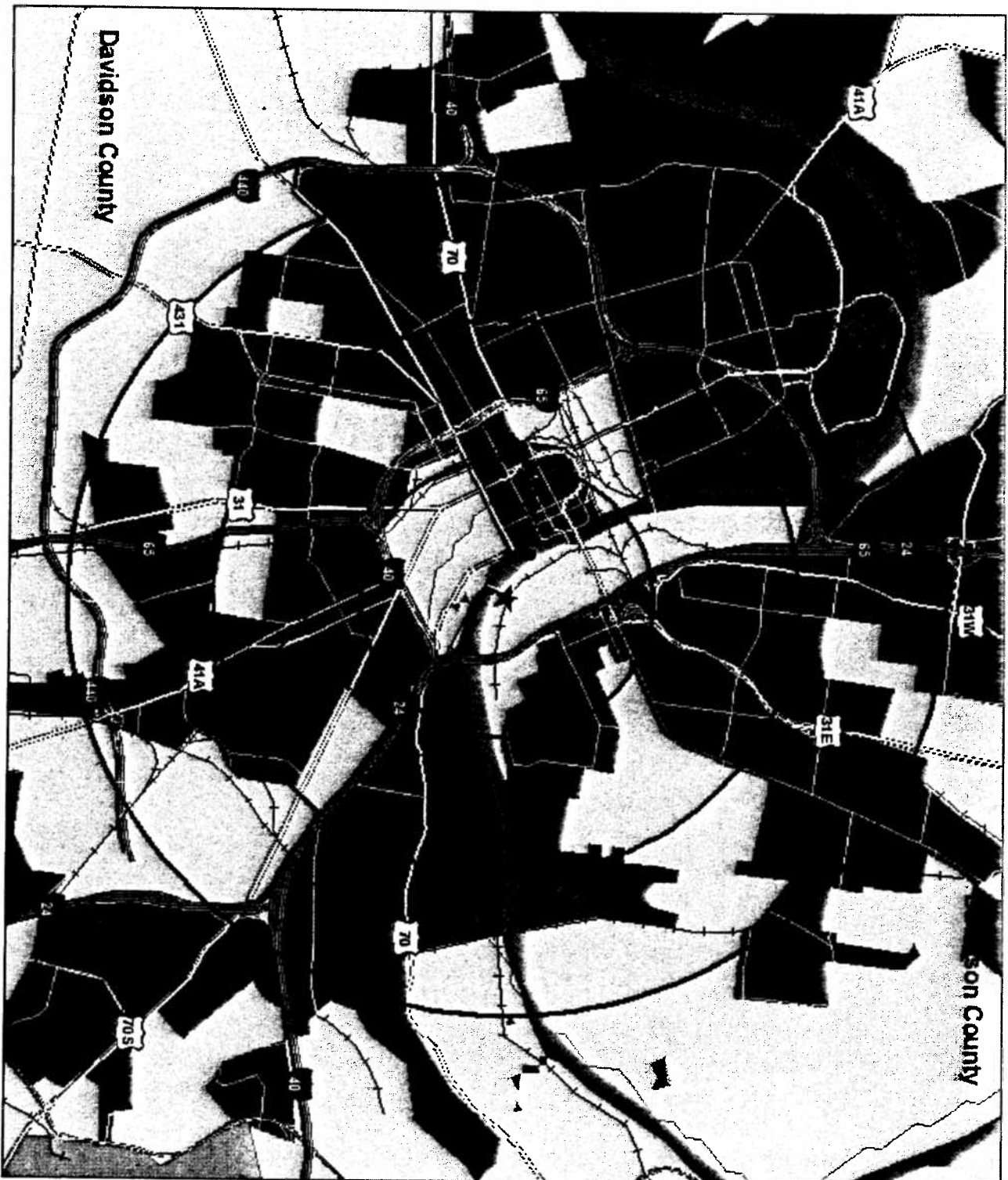


## Legend

- ★ Site Location
- 1, 2, 3mi Buffer Zones
- Major Streams
- + Railroads
- Major Roads
- Interstate Highway
- US Highway
- State Highway
- Secondary State Highway
- Other Major Road
- No Shield
- Counties
- Airports
- Indian Lands
- Water Bodies
- EJSEAT Scores (2011)
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

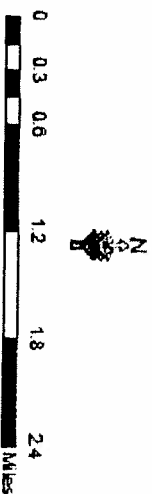


# POTENTIAL EJ AREAS AROUND PSC METALS, TENNESSEE



## Legend

- ★ Site Location
- 1, 2, 3mi. Buffer Zones
- Major Streams
- + Railroads
- Major Roads**
  - Interstate Highway
  - US Highway
  - State Highway
  - Secondary State Highway
  - Other Major Road
  - No Shield
- Counties
- Airports
- Indian Lands
- Water Bodies
- Low Income
- Minority
- Minority/Low Income
- Non-EJ Areas



## Ireland, Sean

---

**To:** Jones, Annette  
**Subject:** FW: Citizen Suits - (CWA)  
**Attachments:** Council v PSC\_TN.doc; Council v PSC\_TN.pdf; Council-RE v PSC\_TN(Amendment).doc; Council-RE v PSC\_TN(Amendment).pdf; Foundation v SCPSA\_SC.doc; Foundation v SCPSA\_SC.pdf

Did you send these NOIs to the other enforcement officers as well (as requested)?

---

**From:** Jones, Annette  
**Sent:** Tuesday, March 12, 2013 4:29 PM  
**To:** Ireland, Sean; Myers, Pamala  
**Subject:** FW: Citizen Suits - (CWA)

---

**From:** Bullock, Patricia  
**Sent:** Tuesday, March 12, 2013 6:37 AM  
**To:** Jones, Annette  
**Subject:** Citizen Suits - (CWA)

## Ireland, Sean

---

**From:** Ireland, Sean  
**Sent:** Wednesday, March 13, 2013 2:47 PM  
**To:** Mathews, Namon  
**Cc:** Guzman, Humberto  
**Subject:** FW: PSC Metals NOI  
**Attachments:** PSC Metals, Inc. TN.021913.doc

Thanks Humberto! This one goes to Namon...

---

**From:** Guzman, Humberto  
**Sent:** Wednesday, March 13, 2013 9:47 AM  
**To:** Ireland, Sean  
**Subject:** PSC Metals NOI

Sean,

How are you today? Molly and Don told me that you had a PSC Metals NOI. I recently completed a memo (attached) for that facility. You are welcome to borrow from it.

H

**Ireland, Sean**

---

**From:** Guzman, Humberto  
**Sent:** Wednesday, March 13, 2013 9:47 AM  
**To:** Ireland, Sean  
**Subject:** PSC Metals NOI  
**Attachments:** PSC Metals, Inc. TN.021913.doc

Sean,

How are you today? Molly and Don told me that you had a PSC Metals NOI. I recently completed a memo (attached) for that facility. You are welcome to borrow from it.

H

## Ireland, Sean

---

**From:** Hom, Michael  
**Sent:** Wednesday, March 13, 2013 8:14 AM  
**To:** Ireland, Sean; Jones, Annette; Bouma, Stacey  
**Subject:** RE: Citizen Suits

I've reviewed the Tennessee Riverkeeper, Inc. v. Hensley-Graves Holdings, LLC NOIS and it does not allege any storm water violations. The NOIS alleges unpermitted discharge of leachate from a landfill located in Lauderdale County, Alabama. According to the NOIS, the leachate is discharging from a spring adjacent to the landfill to Cypress Creek, a tributary of the Tennessee River.

I've returned the NOIS to Annette for re-assignment.

---

**From:** Ireland, Sean  
**Sent:** Tuesday, March 12, 2013 3:55 PM  
**To:** Jones, Annette; Bouma, Stacey  
**Cc:** Mathews, Namon; Hom, Michael  
**Subject:** Citizen Suits

The following citizen suits are being assigned as follows. Please send us the electronic versions respectively. Thanks!

Namon Mathews: Council and RE v. PSC Metals, Inc. (due 4/19)  
Mike Hom: Tennessee Riverkeeper, Inc. v. Hensley-Graves Holdings, LLC (due 4/10)  
Sean Ireland: Byrd Spring Rod & Gun Club v. Grassy Pond, Inc. and Grassy Pond, L.P.  
(note this NOI was amended, original was due 3/5, but now 3/29)



## Ireland, Sean

---

**From:** Ireland, Sean  
**Sent:** Tuesday, March 12, 2013 3:55 PM  
**To:** Jones, Annette; Bouma, Stacey  
**Cc:** Mathews, Namon; Hom, Michael  
**Subject:** Citizen Suits

The following citizen suits are being assigned as follows. Please send us the electronic versions respectively. Thanks!

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(note this NOI was amended, original was due 3/5, but now 3/29)

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**To:** Ireland, Sean; Myers, Pamala  
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---

**From:** Bullock, Patricia  
**Sent:** Tuesday, March 12, 2013 6:37 AM  
**To:** Jones, Annette  
**Subject:** Citizen Suits - (CWA)

## Ireland, Sean

---

**From:** Ireland, Sean  
**Sent:** Wednesday, March 13, 2013 2:48 PM  
**To:** Mathews, Namon  
**Subject:** FW: Citizen Suits - (CWA)  
**Attachments:** Council v PSC\_TN.doc; Council v PSC\_TN.pdf; Council-RE v PSC\_TN(Amendment).doc; Council-RE v PSC\_TN(Amendment).pdf; Foundation v SCPSA\_SC.doc; Foundation v SCPSA\_SC.pdf

---

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**Sent:** Tuesday, March 12, 2013 4:29 PM  
**To:** Ireland, Sean; Myers, Pamala  
**Subject:** FW: Citizen Suits - (CWA)

---

**From:** Bullock, Patricia  
**Sent:** Tuesday, March 12, 2013 6:37 AM  
**To:** Jones, Annette  
**Subject:** Citizen Suits - (CWA)

## Ireland, Sean

---

**From:** Bouma, Stacey  
**Sent:** Tuesday, March 12, 2013 7:11 PM  
**To:** Ireland, Sean; Jones, Annette  
**Cc:** Mathews, Namon  
**Subject:** RE: Citizen Suits - PCS

Namon,

Can you check with Annette on PSC Metals. I think Humbert recently prepared an NOIS response related to this company (within the last 2 weeks). I just wanted to make sure this wasn't a duplicate and if it is new that you had the information from the previous response as background

Thanks,  
stacey

---

**From:** Ireland, Sean  
**Sent:** Tuesday, March 12, 2013 3:55 PM  
**To:** Jones, Annette; Bouma, Stacey  
**Cc:** Mathews, Namon; Hom, Michael  
**Subject:** Citizen Suits

The following citizen suits are being assigned as follows. Please send us the electronic versions respectively. Thanks!

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